

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

RUDOLPH W. GIULIANI  
a/k/a RUDOLPH WILLIAM GIULIANI,

Debtor.

Chapter 11

Case No. 23-12055 (SHL)

**STIPULATION AND AGREED ORDER MODIFYING AUTOMATIC STAY  
TO ALLOW FOR ENTRY AND ENFORCEMENT OF PERMANENT INJUNCTION**

The debtor in the above-captioned case (the “Debtor”), the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned case, Ms. Ruby Freeman and Ms. Wandrea’ ArShaye “Shaye” Moss (together, the “Freeman Plaintiffs”, and collectively with the Debtor and Committee, the “Parties”) respectfully submit this proposed stipulation and agreed order (this “Stipulation”) to modify the automatic stay imposed under section 362(a) of title 11 of the United States Code (the “Bankruptcy Code”) for the limited purpose of: (1) permitting the United States District Court for the District of Columbia (the “District Court”) to enter the *Joint Stipulation and Consent to Entry of Final Judgment* attached hereto as Exhibit 1 and the *Final Consent Judgment and Permanent Injunction* (the “Permanent Injunction”) attached hereto as Exhibit 2, and (2) permitting the Freeman Plaintiffs, the Committee, and the District Court to take any steps necessary to enforce the Permanent Injunction.

**RECITALS**

**WHEREAS**, the Debtor is the debtor in the above-captioned chapter 11 case (the “Chapter 11 Case”) currently pending in the United States Bankruptcy Court for the Southern District of New York (the “Court”);

**WHEREAS**, the Freeman Plaintiffs are creditors in the Debtor’s Chapter 11 Case;

**WHEREAS**, the Freeman Plaintiffs are also plaintiffs in *Freeman v. Giuliani*, No. 21-cv-3354 (D.D.C.) (together with any appeals from that case, the “Freeman Litigation”), a prepetition litigation in the District Court, and hold a final money judgment in the amount of \$146,206,113.00, plus post-judgment interest, entered in the Freeman Litigation (the “Freeman Judgment”), ECF No. 142, *Freeman v. Giuliani*, No. 21-cv-3354 (D.D.C. Dec. 18, 2023);

**WHEREAS**, the Freeman Plaintiffs are also plaintiffs in a related case, *Freeman v. Giuliani* (the “Second Freeman Litigation”), No. 23-cv-3754 (D.D.C.), which Plaintiffs filed on December 18, 2023, seeking permanent injunctive relief;

**WHEREAS**, to avoid excessive litigation, delays and costs, the Parties have agreed to modify the stay imposed by section 362(a) of the Bankruptcy Code (the “Automatic Stay”) for the purposes set forth herein.

**NOW THEREFORE**, it is hereby **Stipulated and Agreed**, by and between counsel to the Parties, as follows:

**STIPULATION**

**IT IS HEREBY ORDERED THAT:**

1. The foregoing recitals are hereby fully incorporated into and made an express part of this Stipulation.

2. The Automatic Stay is modified to allow for the Parties and the District Court to take the following actions: (a) notify the District Court of this order; (b) file the *Joint Stipulation and Consent to Entry of Final Judgment* and *Consent Judgment and Permanent Injunction* (the “Permanent Injunction”) in the Second Freeman Litigation, and (c) enforce the Permanent Injunction against the Debtor. For the avoidance of doubt, the Automatic Stay shall not apply to any proceeding to enforce the Permanent Injunction against the Debtor or otherwise secure the Debtor’s compliance with the Permanent Injunction.

3. Upon the District Court entering the Permanent Injunction, the Freeman Plaintiffs and the Debtor shall file a written joint stipulation dismissing the Adversary Proceeding without prejudice.

4. Undersigned counsel of record in this action represent that they are authorized to execute and enter into this Joint Stipulation on behalf of the respective Parties whom they represent. Undersigned counsel have full authority to bind the respective Parties whom they represent in this Adversary Proceeding.

5. Debtor represents that the Debtor has had an opportunity to consult with counsel, has obtained the advice of counsel, and has agreed to all terms of this Joint Stipulation and freely and voluntarily.

6. This Joint Stipulation may be executed in one or more counterparts, each of which will be considered an original and all of which constitute one agreement.

*[remainder of page left intentionally blank]*

Dated: May \_\_\_, 2024

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*Counsel to Ruby Freeman and Wandrea' ArShaye Moss*

Dated: May 21, 2024

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Dated: May \_\_\_, 2024

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*Counsel to the Official Committee of  
Unsecured Creditors*

Dated: May 21, 2024

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Rudolph W. Giuliani  
*Debtor*

SO ORDERED.

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THE HONORABLE SEAN H. LANE  
UNITED STATES BANKRUPTCY JUDGE

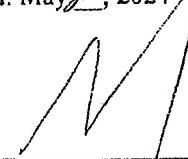
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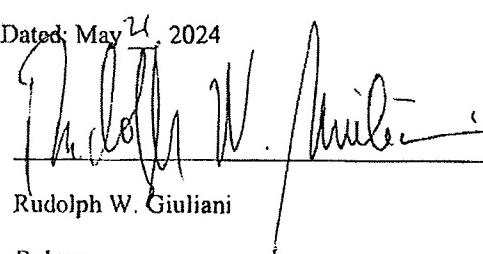


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SO ORDERED.

THE HONORABLE SEAN H. LANE  
UNITED STATES BANKRUPTCY JUDGE

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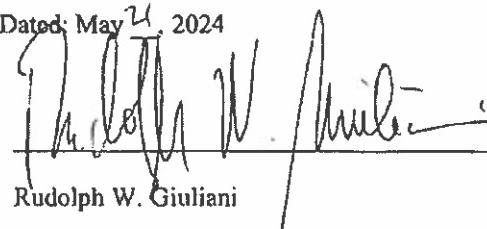
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*Counsel to the Official Committee of  
Unsecured Creditors*

Dated: May 21, 2024

  
Rudolph W. Giuliani  
*Debtor*

SO ORDERED.  
Dated: May 21, 2024

/s/ Sean H. Lane

THE HONORABLE SEAN H. LANE  
UNITED STATES BANKRUPTCY JUDGE

# Exhibit 1

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

RUBY FREEMAN and WANDREA' MOSS,  
Plaintiffs,  
v.  
RUDOLPH W. GIULIANI,  
Defendant.

Case No. 23-cv-03754 (BAH)

**JOINT STIPULATION AND  
CONSENT TO ENTRY OF FINAL  
JUDGMENT**

**WHEREAS**, Rudolph W. Giuliani (the “Defendant”) is the Defendant in the above-captioned action;

**WHEREAS**, the Defendant is also a debtor in a chapter 11 case captioned *In re Rudolph W. Giuliani*, No. 23-012055-SHL (the “Giuliani Bankruptcy”) currently pending in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”);

**WHEREAS**, Plaintiffs Ruby Freeman and Wandrea’ ArShaye Moss (collectively, the “Plaintiffs” and, together with the Defendant, the “Parties”) were Plaintiffs in *Freeman v. Giuliani*, No. 21-cv-3354 (D.D.C.) (together with any appeals from that case, the “Freeman Litigation”), and hold a final money judgment in the amount of \$146,206,113.00, plus post-judgment interest, entered in the Freeman Litigation (the “Freeman Judgment”), ECF No. 142, *Freeman v. Giuliani*, No. 21-cv-3354 (D.D.C. Dec. 18, 2023);

**WHEREAS**, Plaintiffs are also creditors in the Giuliani Bankruptcy;

**WHEREAS** on December 18, 2023, Plaintiffs commenced this civil action by filing a Complaint seeking injunctive relief restraining Defendant from repeating the Actionable Statements adjudged to be false and defamatory in the Freeman Litigation, or any substantially similar statements (ECF No. 1) (the “Complaint”);

**WHEREAS** on December 21, 2023, the Defendant commenced the Giuliani Bankruptcy by filing a voluntary chapter 11 petition, which triggered an automatic stay (the “Bankruptcy Stay”) applicable to this action under 11 U.S.C. § 362(a);

**WHEREAS** on May 10, 2024, Plaintiffs commenced an adversary proceeding in the Bankruptcy Court pursuant to Federal Rule of Bankruptcy Procedure 7001(7) by filing an adversary complaint (the “Adversary Complaint,” a copy of which is attached as Exhibit A seeking injunctive relief restraining Defendant from repeating those Actionable Statements or substantially similar statements (the “Adversary Proceeding”);

**WHEREAS** the Bankruptcy Court has now lifted the Bankruptcy Stay for purposes of entry of the proposed consent judgment and permanent injunction attached hereto as Exhibit B (the “Proposed Consent Judgment”), and for purposes of any proceedings to enforce that Proposed Consent Judgment as entered;

The Parties hereby stipulate and agree as follows:

1. Defendant waives service of process in this action and consents to personal jurisdiction in this Court, including for purposes of any future proceedings to enforce the judgment and permanent injunction.

2. The Complaint shall be deemed amended to include all of the allegations in the Adversary Complaint.

3. Defendant consents to entry of final judgment and permanent injunctive relief in favor of Plaintiffs in this action in the form of the Proposed Consent Judgment attached hereto as Exhibit B.

4. Defendant voluntarily, knowingly, and irrevocably waives any right of appeal from entry of the Proposed Consent Judgment. Defendant voluntarily, knowingly, and irrevocably waives any challenge to the validity of the Proposed Consent Judgment as entered by this Court.

5. In addition to any other lawful method of service, Defendant consents to service of any future process, notices, filings, or other documents in this case via mailing a copy of such process, notice, filing, or other document to Defendant at either of the following addresses (unless Defendant has filed a notice on the docket of this action providing notice of a different mailing address) by U.S. mail or third-party courier, which service shall be effective upon transmittal to the postal service or third-party courier: 44 E 66th Street, Apt. 10W, New York, NY 10065; 315 S Lake Drive, Unit 5D, Palm Beach, FL, 33480.

6. Undersigned counsel of record in this action represent that they are authorized to execute and enter into this Joint Stipulation and Consent to Entry of Final Judgment on behalf of the respective parties whom they represent. Undersigned counsel have full authority to bind the respective parties whom they represent in this Adversary Proceeding.

7. Defendant represents that he has had an opportunity to consult with counsel, has obtained the advice of counsel, and has agreed to all terms of this Joint Stipulation and Consent to Entry of Final Judgment freely and voluntarily.

8. This Joint Stipulation and Consent to Final Judgment may be executed in one or more counterparts, each of which will be considered an original and all of which constitute one agreement.

*[Remainder of Page Left Intentionally Blank]*

Dated: May \_\_\_\_, 2024

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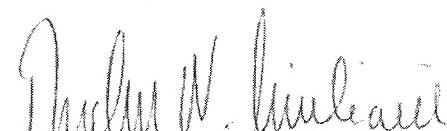
*For Plaintiffs Ruby Freeman and Wandrea' ArShaye Moss*

Dated: May 21, 2024

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*For Defendant Rudolph W. Giuliani*

Dated: May 21, 2024



Rudolph W. Giuliani

*Defendant*

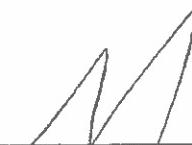
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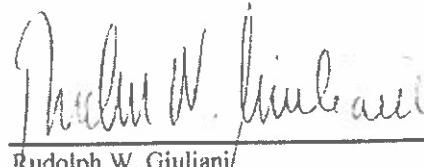
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*For Defendant Rudolph W. Giuliani*

Dated: May 21, 2024



Rudolph W. Giuliani

*Defendant*

# **EXHIBIT A**

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

RUDOLPH W. GIULIANI  
a/k/a RUDOLPH WILLIAM GIULIANI,

Debtor.

RUBY FREEMAN and WANDREA' ArSHAYE  
MOSS,

Plaintiffs,

v.

RUDOLPH W. GIULIANI  
a/k/a RUDOLPH WILLIAM GIULIANI,

Defendant.

Chapter 11

Case No. 23-12055 (SHL)

Adv. Pro. No. \_\_\_\_\_

**COMPLAINT FOR INJUNCTIVE  
RELIEF**

## INTRODUCTION

1. This is an action for injunctive relief to permanently bar Defendant Rudolph W. Giuliani (“Defendant”) from continuing his malicious campaign against Plaintiffs Ruby Freeman and Wandrea’ ArShaye “Shaye” Moss (“Plaintiffs”). Undeterred by facts, logic, decency, professional discipline, court orders in multiple jurisdictions, a criminal indictment, a multi-million dollar jury verdict, or declaring bankruptcy as a result, Mr. Giuliani has entered year four of intentionally defaming Ms. Freeman and Ms. Moss—repeating the very same lies that Plaintiffs engaged in fraud during their service as election workers during the 2020 presidential election.

2. Enough is enough. Contrary to his delusions of grandeur, the law does apply to Mr. Giuliani, and it is beyond time to make him follow it. As the Supreme Court of the United States held more than fifty years ago, injunctive relief is the appropriate remedy for those, like Mr. Giuliani, who continue to publish speech already held to be unprotected. *See, e.g., Pittsburgh Press Co. v. Pittsburgh Comm’n on Hum. Rels.*, 413 U.S. 376, 390 (1973); *Kingsley Books, Inc. v. Brown*, 354 U.S. 436, 441 (1957). This Court should promptly impose that remedy.

3. Mr. Giuliani has already been found liable for defamation and intentional infliction of emotional distress for disseminating these same lies in *Freeman et al. v. Giuliani*, No. 21-cv-3354 (D.D.C.) (the “Freeman Litigation”). After the United States District Court for the District of Columbia (the “D.C. District Court”) entered default judgment on liability against Mr. Giuliani—based in part on his own attempts to stipulate to liability for nearly identical statements as are at issue here—the case proceeded to a jury trial on damages. At trial, Mr. Giuliani heard Ms. Freeman and Ms. Moss testify about the devastating consequences of his campaign of lies. On December 15, 2023, a jury entered a unanimous verdict awarding Plaintiffs over \$148 million in combined compensatory and punitive damages, and on December 18, 2023, the D.C. District Court entered final judgment on that jury award, while declaring that Mr. Giuliani engaged in defamation

*per se*, intentional infliction of emotional distress, and a civil conspiracy to commit the same. The Court specifically declared that Mr. Giuliani's claims about Plaintiffs are false, that Mr. Giuliani acted with actual malice, and his conduct was intentional, malicious, wanton, and willful.

4. Mr. Giuliani's campaign of tortious conduct continued during the Freeman Litigation, including declaring to reporters that his statements were all "true" after leaving the courthouse after the first day of trial. Plaintiffs brought a second action for injunctive relief in the D.C. District Court, seeking to put an end to Mr. Giuliani's continued defamatory lies. *See Freeman v. Giuliani*, No. 23-cv-3754 (D.D.C. Dec. 18, 2023). Three days later, Mr. Giuliani filed a bankruptcy petition in this Court, automatically staying Plaintiffs' action for injunctive relief.

5. Since being found liable for defamation in the Freeman Litigation, and then filing his chapter 11 petition in this Court, Mr. Giuliani has acted as if he is operating in a law-free zone in which there are no consequences for anything he does. He has continued to spread the very same lies that he previously conceded made him liable for defamation in the Freeman Litigation. For example, Mr. Giuliani stipulated to his own liability, and was subsequently held liable, for claiming Ms. Freeman and Ms. Moss "deliberately threw people out and counted the ballots in private[;]" and "counted [ballots] more than one time—three, four, five, six, seven times, eight times."<sup>1</sup> Since filing his chapter 11 petition, Mr. Giuliani has claimed that Ms. Freeman and Ms. Moss "excluded the public . . . threw them out, [and] cased the joint like I said[;]"<sup>2</sup> and were "counting the ballots four times. One two, one two, four times four times four times."<sup>3</sup>

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<sup>1</sup> *Freeman v. Giuliani*, No. 21-cv-3354 (D.D.C. May 10, 2022), ECF. 22, Ex. A at ¶¶ 66, 90.

<sup>2</sup> Rudy W. Giuliani (@RudyGiuliani), *America's Mayor Live (397): The Stunning Lack of Leadership at These So-Called Elite Universities* (April 30, 2024, 8:00 PM), <https://twitter.com/RudyGiuliani/status/1785459381741801931> at 53:03–53:10.

<sup>3</sup> Rudy W. Giuliani (@RudyGiuliani), *America's Mayor Live (384): The Fall of New York City & How the Giuliani Playbook Can Spur a Revival*, (April 11, 2024, 8:00 PM), <https://twitter.com/i/broadcasts/1lPKqbpgMYGb> at

6. Mr. Giuliani made these statements knowing the impact his past defamation had on Ms. Freeman and Ms. Moss and knowing the harm that ongoing defamation would cause. He also made these statements after being warned by this Court not to do so.<sup>4</sup> Mr. Giuliani cannot be permitted to use the bankruptcy system as a shield while continuing his baseless attacks on Plaintiffs. Left unchecked, Mr. Giuliani's statements will dramatically increase post-petition claims against his estate and drain it of any distributable value for his creditors. Plaintiffs accordingly bring this adversary proceeding for injunctive relief to put a stop to Mr. Giuliani's continuing, knowing defamation, once and for all.

### **PARTIES**

7. Plaintiffs Ruby Freeman and Wandrea "Shaye" Moss were plaintiffs in the Freeman Litigation, and hold a final money judgment in the amount of \$146,206,113.00, plus post-judgment interest, entered in that litigation. Plaintiffs are creditors in the Defendant's Chapter 11 bankruptcy case, *In re Rudolph W. Giuliani*, No. 23-12055 (SHL).

8. Defendant Rudolph W. Giuliani is the debtor in Case No. 23-12055 (SHL) and was a defendant in the Freeman Litigation.

### **JURISDICTION AND VENUE**

9. This Court has subject-matter jurisdiction over this adversary proceeding pursuant to 28 U.S.C. § 1334. Venue is proper in this District under 28 U.S.C. § 1409(a) because this adversary proceeding relates to *In re Rudolph W. Giuliani*, No. 23-12055-SHL, a Chapter 11 case pending in this District. Plaintiffs consent to entry of final orders or judgment by this Court.

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1:08:27–1:08:32.

<sup>4</sup> See Jan. 19, 2024 Hr'g Tr. 70:25–72:7, *In re Rudolph W. Giuliani*, No. 23-12055 (SHL) (Bankr. S.D.N.Y.).

## **BACKGROUND**

10. The Freeman Complaint filed in the Freeman Litigation and the voluminous evidentiary record presented at trial set forth in detail the facts underlying Plaintiffs' judgment against Mr. Giuliani. As relevant here, all facts alleged in the Freeman Complaint are deemed admitted by operation of the default judgment entered against Mr. Giuliani in that case. A copy of the operative complaint in that action is attached to this Complaint as Exhibit A and incorporated herein by reference. Plaintiffs summarize the relevant facts here to provide background for the claims at issue in this adversary proceeding.

11. On December 3, 2020, Mr. Giuliani began spreading the lie that non-partisan election workers at State Farm Arena in Fulton County, Georgia—including Ms. Freeman and Ms. Moss—"stole" the Presidential Election in Georgia from former President Trump. In the days and weeks that followed, Mr. Giuliani accused Ms. Freeman and Ms. Moss of excluding election observers under false pretenses, fabricating a water leak to exclude observers, hiding illegal ballots in suitcases, counting illegal ballots multiple times, and passing a USB drive to alter the vote tally.<sup>5</sup> He spread these lies on multiple platforms and encouraged others to do the same.<sup>6</sup> Strangers who believed Mr. Giuliani's lies contacted Ms. Freeman and Ms. Moss, harassing the women online, by phone, and, eventually, in person.<sup>7</sup>

12. After enduring the effects of Mr. Giuliani's lies for over a year, Ms. Freeman and Ms. Moss initiated the Freeman Litigation on December 23, 2021.

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<sup>5</sup> See Ex. A ¶¶ 4, 38, 59, 61, 66, 69, 91, 99, 100, 107, 134, 166.

<sup>6</sup> Id. ¶¶ 5, 12, 18.

<sup>7</sup> Id. ¶¶ 139–162.

13. On August 31, 2023, the D.C. District Court found that Mr. Giuliani had “intentionally and willfully ignored” his obligation to preserve evidence, and engaged in “willful shirking of his discovery obligations.” As a consequence of that “willful discovery misconduct,” the D.C. District Court entered a default judgment as to liability against Mr. Giuliani as a sanction under Federal Rule of Civil Procedure 37. That default judgment had the effect of deeming as true the factual allegations in the operative complaint in the Freeman Litigation. A copy of the order granting a default judgment is attached to this Complaint as Exhibit B and incorporated herein by reference.

14. A jury trial was held to quantify the damages owed to Plaintiffs as a result of Mr. Giuliani’s liability on Plaintiffs’ claims. On December 15, 2023, a federal jury returned a unanimous verdict awarding Ms. Freeman and Ms. Moss approximately \$148 million in compensatory and punitive damages. A copy of the Verdict Form is attached to this Complaint as Exhibit B and incorporated herein by reference.

15. Following the verdict, Plaintiffs’ counsel asked Mr. Giuliani to enter into an agreement to stop publishing these and any similar false claims about Plaintiffs. Mr. Giuliani refused.

16. On December 18, 2023, Plaintiffs and Mr. Giuliani entered a Joint Stipulation Regarding Entry of Final Judgment, which requested that the D.C. District Court enter Declaratory Judgment as to multiple facts, including that:

- (1) that the Actionable Statements set forth in the Amended Complaint are false;
- (2) that those statements are defamatory and defamatory per se; (3) that those statements were of and concerning Plaintiffs; (4) that Defendant made those statements with actual malice; (5) that Defendant published those statements to third parties without privilege; and (6) that those statements caused Plaintiff harm.<sup>8</sup>

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<sup>8</sup> Joint Stipulation Regarding Entry of Final Judgment, *Freeman v. Giuliani*, No. 21-cv-3354 (D.D.C. December 18,

A copy of the Joint Stipulation is attached as Exhibit D and incorporated herein by reference.

17. The D.C. District Court entered final judgment (the “Final Judgment”) the same day. A copy of the Final Judgment is attached as Exhibit E and incorporated herein by reference. That Final Judgment included the precise declaratory relief to which Mr. Giuliani had stipulated, including a declaration that the statements challenged in Plaintiffs’ operative complaint

[(1)] are false; (2) that those statements are defamatory and defamatory *per se*; (3) that those statements were of and concerning plaintiffs; (4) that defendant made those statements with actual malice; (5) that defendant published those statements to third parties without privilege; and (6) that those statements caused plaintiffs harm.<sup>9</sup>

Accordingly, the Final Judgment’s express declaratory relief conclusively establishes all the elements of defamation *per se* with respect to Mr. Giuliani’s statements, and those determinations extend to Mr. Giuliani’s substantially identical post-petition statements alleged in this Complaint.

18. The same day, because of Mr. Giuliani’s refusal to agree to stop spreading his lies about Plaintiffs, Plaintiffs filed suit for injunctive relief in the D.C. District Court. A copy of the operative complaint in that action is attached to this Complaint as Exhibit F and incorporated herein by reference. That lawsuit was automatically stayed as a result of Mr. Giuliani initiating this bankruptcy proceeding on December 21, 2023, and remains stayed now.

19. Since filing his bankruptcy petition, Mr. Giuliani has taken advantage of the automatic stay of Plaintiffs claim for injunctive relief to continue to spread the very same lies for which he has already been held liable in the Freeman Litigation. For example:

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2023), ECF No. 138 (the “Joint Stipulation”) (internal citations omitted); Ex. D at 2.

<sup>9</sup> See Final Judgment, *Freeman v. Giuliani*, No. 21-cv-3354 (D.D.C. December 18, 2023), ECF No. 142 (internal citations omitted); Ex. E at 2.

20. On January 5, 2024, Mr. Giuliani appeared on his daily Twitter live cast, *America's Mayor Live*, and said the following:

**[t]he case was in Georgia, the two women, I could play the tapes for you right now of one of them counting ballots four times.** I wasn't allowed to play it at the trial, she'll probably put me in jail if I play them. God forbid you should find out the truth. Because we don't live in a free country any longer. We're free as long as we do what the Biden regime requires us to do, which is to submit to the lie that the election of 2020 was legitimate. Submit to the lie that these women didn't do multiple counts of the ballot. Submit to the lie that Atlanta, Georgia didn't engage in election fraud, it would almost be inconsistent in who they are if they didn't engage in election fraud.<sup>10</sup>

21. On January 8, 2024, Mr. Giuliani appeared on his second Twitter live cast, *America's Mayor Confidential*, and said:

I was not allowed to put it in a defense. I was not allowed to take the videos of **the women of the woman, one of the women, I had a clear video of her quadruple and triple counting the same ballots.** You can look at it 100 times you can analyze it 50 ways to Sunday **that's exactly what she was doing.**<sup>11</sup>

22. On March 25, 2024, Mr. Giuliani appeared on *America's Mayor Live* and said:

I mean, I pointed to the evidence that I had, **and the evidence that I had, including those women who were, you know, counting up the votes a couple of times...** about those women are – it's my opinion. It's my opinion. You can go look on tape for yourself. You decide, you decide: were they counting the votes more than one time **or weren't they, you can see it!**<sup>12</sup>

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<sup>10</sup> Rudy W. Giuliani (@RudyGiuliani), *America's Mayor Live E315 Joe Biden Says My Name in Re-Election Campaign Announcement - My Response*, (Jan. 5, 2024, 8:00 PM), <https://x.com/RudyGiuliani/status/1743437296396013678?s=20> at 15:01–16:04.

<sup>11</sup> Rudy W. Giuliani (@RudyGiuliani), *Setting the Record w/ Cara Castronuova (X9)*, *America's Mayor Confidential*, (Jan. 8, 2024, 9:00 PM), <https://twitter.com/RudyGiuliani/status/1744461285696151749> at 18:57–19:24.

<sup>12</sup> Rudy W. Giuliani (@RudyGiuliani), *America's Mayor Live (E371): Appeals Court Rules Against Judge Engoron in Phony Fraud Case YET AGAIN*, (March 25, 2024, 8:00 PM), <https://twitter.com/i/broadcasts/1eaKbgYdEeZGX> at 1:11:04–1:11:58.

23. On April 11, 2024, Mr. Giuliani spoke at an event in Tulsa, Oklahoma, which he livestreamed on *America's Mayor Live*. During the live cast, Mr. Giuliani said the following about security footage from State Farm Arena depicting Plaintiffs:

**Fir- Fir- First, I was sued by the two women who were counting multiple ballots in Georgia. We have them, one of them on tape doing it.** And I'm sued because I offered an opinion that they were doing it on radio and television. So I'm sued for defamation. **And I also pointed out that anybody could see it on tape that wanted to . . .** for these women, who I wasn't allowed to put in evidence, **the tape that shows them doing what I said they did . . . they don't have the evidence that I can show you tonight of them counting the ballots four times. One two, one two, four times four times four times.**<sup>13</sup>

24. On April 13, 2024, Mr. Giuliani reposted clips of his April 11, 2024 statements on *America's Mayor Live* to his Instagram. The clip includes Mr. Giuliani's claims that the “judgement was \$145 million for these women, **I wasn't allowed to put in evidence the tape that shows them doing what I said they did**” and “I can show you tonight [evidence] of them, **counting the ballots four times, one two one two four times four times four times.**”<sup>14</sup>

25. On April 30, 2024 Mr. Giuliani appeared on *America's Mayor Live* and showed clips of security footage from State Farm Arena. He told viewers:

- He was ahead when they stol- stole it from him too in Georgia. 47, 44 Ted. So at the night of the election, Georgia stops counting at remember it's the whole thing about the was there a was there a- a complete like water main break or wasn't there? **Well, there wasn't a water main break but there's tape and the tape shows you[;]**<sup>15</sup>
- in the key time when **they excluded the public.** The key time when **they threw them out. The key time when they cased the joint like I said. The key time when they were counting votes.** I'm going to show you this again. We've done it

<sup>13</sup> Rudy W. Giuliani (@RudyGiuliani), *America's Mayor Live* (384): *The Fall of New York City & How the Giuliani Playbook Can Spur a Revival*, (April 11, 2024, 8:00 PM), <https://twitter.com/i/broadcasts/1IPKqbpgMYGb> at 1:06:40–1:08:32.

<sup>14</sup> Rudy W. Giuliani (@therudygiuliani), Instagram (Apr. 13, 2024), <https://www.instagram.com/p/C5taWK3NQrO/>.

<sup>15</sup> Rudy W. Giuliani (@RudyGiuliani), *America's Mayor Live* (397): *The Stunning Lack of Leadership at These So-Called Elite Universities* (April 30, 2024, 8:00 PM), <https://twitter.com/RudyGiuliani/status/1785459381741801931> at 49:02–49:27.

before. I have- Now, I have some of it. Not anywhere near the scope of they're doing it but all you got to do is do it once to go to federal prison, we should have them doing it 12, 15 tim- uh about 12 times. I'll tell you what it looks like it looks like this. We'll watch some tomorrow night takes a little while to find it. Well you want to look for it while I'm doing this? So they take the ballots and they put it in. The ballots gets finished, they take them out. And they're supposed to do that with it. They put them in again. And they do it four times[;]<sup>16</sup>

- So they put it in. They count it second time, take it back, reorganize the same ballots, put it in the fourth time. I take it out, let it go and do you see this? You see one of them who's involved in my case, do it twice. And then you see her cohort who isn't involved in the case but worked for them, do it two or three times. Now, if we had all of the tape, you'd see a lot more of it. You'd see a lot more of it[;]<sup>17</sup> and
- the original tapes, which show these women run around like chickens without a head, excluding the people. I mean, it's we shouldn't even be fighting about this. You see how empty that was? They were counting ballots for sure. Nobody disputes this while it was empty like that. That's a violation of Georgia law. And it makes all of the ballots arguably invalid. I certainly have a right to argue it. When it looks like that you can't count votes. And another section at exactly this time, they're counting votes. But there's no members of the public around and violates Georgia law.<sup>18</sup>

26. These are the exact same lies already held to be false and defamatory by the D.C. District Court.

27. Mr. Giuliani's persistence in making these statements after all that has transpired, coupled with his refusal to agree to refrain from continuing to make such statements, make clear that he intends to continue in his campaign of targeted defamation and harassment. Accordingly, there is an overwhelming, ongoing, and imminent risk that Mr. Giuliani will inflict substantial reputational and emotional harm on Plaintiffs. This has to stop.

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<sup>16</sup> *Id.* at 53:02–53:55.

<sup>17</sup> *Id.* at 54:56–55:29.

<sup>18</sup> *Id.* at 56:00–56:40.

28. Plaintiffs lack an adequate remedy at law. Mr. Giuliani has asserted his own insolvency in his chapter 11 case. In his words, Mr. Giuliani's "filing was precipitated by the issuance of a \$148 million dollar verdict entered against the Debtor along with numerous other lawsuits currently pending."<sup>19</sup> His assets are estimated to be worth up to \$10 million.<sup>20</sup> His debts total over \$150 million, which does not account for the five creditors with unliquidated claims against Mr. Giuliani—Mr. Eric Coomer, Ph.D, Ms. Noelle Dunphy, Mr. Robert Hunter Biden, Smartmatic USA Corp., and US Dominion Inc.<sup>21</sup> Absent injunctive relief, Plaintiffs will continue to suffer injuries that Mr. Giuliani has no ability to compensate.

29. Even if Mr. Giuliani were not insolvent and could conceivably recompense Plaintiffs, an injunction is the only way to stop Mr. Giuliani from continuing to spread the specific claims about Plaintiffs already held to be false, defamatory, and unprotected.

#### **CAUSE OF ACTION: DEFAMATION PER SE**

30. Plaintiffs incorporate all paragraphs in this Complaint as if fully set forth herein.

31. As has been conclusively determined in the Freeman Litigation, Mr. Giuliani's statements are false statements of and concerning Plaintiffs, that accuse Ms. Freeman and Ms. Moss of criminal acts and therefore, are defamatory *per se*.<sup>22</sup>

32. Mr. Giuliani published, caused to publish, or reasonably could have foreseen the publication of post-petition defamatory statements about Ms. Freeman and Ms. Moss, including by and through his agents and by republishing the statements on his website, social media accounts,

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<sup>19</sup> *In re Rudolph W. Giuliani*, No. 23-12055 (SHL), ECF No. 5 ¶ 5.

<sup>20</sup> *In re Rudolph W. Giuliani*, No. 23-12055 (SHL), ECF No. 1 at 6.

<sup>21</sup> *In re Rudolph W. Giuliani*, No. 23-12055 (SHL), ECF No. 2.

<sup>22</sup> *Freeman v. Giuliani*, No. CV 21-3354 (BAH), 2022 WL 16551323, at \*8 (D.D.C. Oct. 31, 2022).

and media programs—including but not limited to *America's Mayor Live*, *America's Mayor Confidential*—which are republished on multiple platforms, including but not limited to Twitter/X, Rumble, YouTube, Instagram, and Gettr.

33. As reasonably foreseeable—and intended—these statements caused Plaintiffs significant reputational and emotional harm, and if repeated will continue to cause Plaintiffs significant reputational and emotional harm.

34. As has been conclusively determined in the Freeman Litigation, Mr. Giuliani has made these statements with actual malice, i.e., with the knowledge that they are false.

35. As has been conclusively determined in the Freeman Litigation, Mr. Giuliani had and has no applicable privilege or legal authorization to continue to make false statements about Ms. Freeman and Ms. Moss. He did not and does not neutrally report allegations about Ms. Freeman and Ms. Moss. Further, Mr. Giuliani's statements can be reasonably understood to imply provably false facts and are not First Amendment protected statements of opinion.

#### **PRAYER FOR RELIEF**

Plaintiffs respectfully request that the Court enter judgment:

- a) Permanently enjoining Mr. Giuliani from repeating the defamatory statements for which he has been held liable in the Freeman Litigation, and any substantially similar statements, pursuant to Federal Rule of Bankruptcy Procedure 7065 and Federal Rule of Civil Procedure 65; and
- b) Granting Plaintiffs such other and further relief as this Court deems just and proper.

Dated: May 10, 2024

/s/ Rachel C. Strickland

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# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

RUBY FREEMAN and WANDREA' MOSS,  
Plaintiffs,  
v.  
RUDOLPH W. GIULIANI,  
Defendant.

Case No. 23-cv-03754 (BAH)

**[PROPOSED] FINAL CONSENT  
JUDGMENT AND PERMANENT  
INJUNCTION**

**WHEREAS**, Rudolph W. Giuliani (the “Defendant”) is the Defendant in the above-captioned action;

**WHEREAS**, the Defendant is also a debtor in a chapter 11 case captioned *In re Rudolph W. Giuliani*, No. 23-012055-SHL (the “Giuliani Bankruptcy”) currently pending in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”);

**WHEREAS**, Plaintiffs Ruby Freeman and Wandrea’ ArShaye Moss (collectively, the “Plaintiffs” and, together with the Defendant, the “Parties”) were Plaintiffs in *Freeman v. Giuliani*, No. 21-cv-3354 (D.D.C.) (together with any appeals from that case, the “Freeman Litigation”), and hold a final money judgment in the amount of \$146,206,113.00, plus post-judgment interest, entered in the Freeman Litigation (the “Freeman Judgment”), ECF No. 142, *Freeman v. Giuliani*, No. 21-cv-3354 (D.D.C. Dec. 18, 2023);

**WHEREAS**, Plaintiffs are also creditors in the Giuliani Bankruptcy;

**WHEREAS** on December 18, 2023, Plaintiffs commenced this civil action by filing a Complaint seeking injunctive relief restraining Defendant from repeating the Actionable Statements adjudged to be false and defamatory in the Freeman Litigation, or any substantially similar statements (ECF No. 1) (the “Complaint”);

**WHEREAS** on December 21, 2023, the Defendant commenced the Giuliani Bankruptcy by filing a voluntary chapter 11 petition, which triggered an automatic stay (the “Bankruptcy Stay”) applicable to this action under 11 U.S.C. § 362(a);

**WHEREAS**, the Parties have entered into a Joint Stipulation and Consent to Entry of Final Judgment consenting to entry of this Final Consent Judgment and Permanent Injunction;

**WHEREAS** the Bankruptcy Court has now lifted the Bankruptcy Stay for purposes of entry of this Final Consent Judgment and Permanent Injunction and for purposes of any proceedings to enforce this Final Consent Judgment and Permanent Injunction;

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:**

1. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332 and venue is proper in this District under 28 U.S.C. § 1391(b)(2).
2. Final judgment is entered in favor of Plaintiffs and against Defendant.
3. Mr. Giuliani is **PERMANENTLY ENJOINED** from publishing, causing others to publish, and/or assisting in others’ publication of (a) any statements that suggest that Plaintiffs, whether mentioned directly, indirectly, or by implication, engaged in wrongdoing in connection with the 2020 presidential election, or (b) any of the Actionable Statements adjudged false and defamatory in the Freeman Litigation, or any other statements conveying the same defamatory meaning. For purposes of this Final Consent Judgment and Permanent Injunction, those “Actionable Statements” shall be defined to mean the following statements, taken from pages 14–19 of the Joint Pretrial Statement filed at ECF No. 105 in the Freeman Litigation:

**SOURCE:** Giuliani Presidential Legal Defense Team, Strategic Communications Plan (Dec. 27, 2020), <https://perma.cc/VP2S-CJMR> (on or after December 23, 2020)

“Fulton County, GA, video of suitcases of fraudulent ballots.”

“Election Official Ruby Freeman is seen surreptitiously & illegally handing off hard-drives ON CAMERA in the Georgia counting facility.”

“Video of Ruby and Shay [sic] at midnight . . . That is the time of the 200,000 vote bump . . . No Watermain Break – a lie to get the Republican observers and media to leave at 10:30pm.”

“‘**Suitcase Gate**’ - Video of ‘ballot stuffing’ when ‘suitcases’ (container type) filled with ballots (approximately 6,000 in each container) were rolled out from under table at GA arena and placed in tabulation machines (one batch repeatedly tabulated at least 3 times) by [X number] of poll workers who remained AFTER all Poll Watchers (GOP and the like), press and all third parties were required to leave the premises per announcement at or about [AM] until [AM] in violation of election laws enacted by GA state legislature.”

“Ruby Freeman (woman in purple shirt on video), now under arrest and providing evidence against GA SOS Stacey Abrams and DNC on advanced coordinated effort to commit voter / election fraud [*need confirmation of arrest and evidence*].”

**SOURCE:** *Rudy Giuliani, Christmas Is Not Canceled, It's Vital This Year* | Rudy Giuliani | Ep. 96, RudyGiulianics.com (Dec. 23, 2020), <https://perma.cc/FY6G-EEJD>.

“There’s a video recording in Fulton County, Georgia, of what is obviously, without any doubt, the theft of votes. You have to be a naive child or a completely dishonest partisan not to realize that the observers are being thrown out of the room. A phony excuse of a water main break was used. They still were thrown out of the room, didn’t want to leave. Once they were all left and a last check was done around the hall, the workers for Atlanta—for Fulton County—the five or six, one of whom has a history of voter fraud participation, Ruby Freeman, uh, they scurry under these desks. Hardly where you would keep ballots, right? And they start taking ballots out and then put them on a wheelbarrow sort of thing and wheel them around. And you can see the ballots don’t really look like, like absentee ballots that are in envelopes; they look more like pristine pieces of paper. And then they’re given out and very quickly are being counted, counted, counted, counted, there are times in which it appears that they were being counted more than one time—three, four, five, six, seven times, eight times. . . . [I]t’s quite clear no matter who they’re doing it for, they’re cheating. It looks like a bank heist.”

"Live from Fulton County, let's watch the Democrats steal the election! And there you see it. Ruby Freeman and her crew getting everybody out of the center, creating a false story that there was a—that there was a water main break. No water main break. They get everybody out. They wait, they wait, they wait. They check, they check, they check, like they're gonna do a heist, and all of a sudden the crooks sprang into action. They go under a desk covered like a casket, and they start pulling ballots out. Tremendous numbers of ballots. And they bring them over to one counting stand, all the way over here, another counting stand, another—and they keep looking around to make sure there's nobody in the room! . . . Every once in a while, you look closely, you can them doing this—one ballot [gestures scanning a ballot multiple times]. You know what that does? That takes Biden and multiplies it by 5."

"[J]ust look at the tape. That accounts for anywhere from 40 to 80,000 votes. The number then when we look at it on, was like 138,000 for Biden and 2,000 for Trump. Take those out of their numbers—Trump won Georgia honestly. We want honest votes here."

**SOURCE:** OAN, *EXCLUSIVE: OAN's Chanel Rion talks election fight with Rudy Giuliani*, OAN (Dec. 30, 2020), <https://rumble.com/vcahx-exclusive-oans-chanel-rion-talks-election-fight-with-rudy-giuliani.html>.

"There are five or six states that can make the difference here and that have the evidence already have the evidence that shows that the Biden people stole the election, and not only that, they have the evidence that shows that Trump actually had more votes. Georgia is maybe the easiest to demonstrate because it's on video. During that videotape, that we can all see right in front of our eyes, we can see them stealing the votes. We can see them throwing out the people. We can see them counting it four and five times. We also have the statistics during that period of time, 120,000 votes for Biden, couple hundred votes for Trump, no observers, makes it totally illegal. That alone changes the election. That alone means that if you get rid of those illegal votes, Trump wins Georgia by 40 or 50 thousand votes. . . . Georgia has the one video tape, I consider it like the Zapruder film was to the Kennedy assassination, this film will live for a hundred years. For a hundred years, this film will show that the, the 2020 presidential election, there was an attempt to steal it."

"I've heard Democratic senators get on television and say it's espionage to say that it was fraud. You're not gonna tell me that. I see, I can see the fraud, it's in front of my eyes. What am I supposed to do, close my eyes and make believe that in Fulton County, Georgia, when they closed the doors, and they got rid of the public, and they started triple counting ballots and it ends up being 120,000 for, for Biden and 3,000 for Trump? They weren't cheating? Am I stupid?"

**SOURCE:** Rudy W. Giuliani, *I Can't Say This on National Television* | Rudy Giuliani | Ep. 98, YouTube (Dec. 30, 2020), <https://web.archive.org/web/20210223225629/https://www.youtube.com/watch?v=7vRckA6PqGA>.

"[T]he Fulton County vote counting [videotape], which in and of itself proves that Georgia was stolen by, uh, Joe Biden and by the Democrats. That one video proves it."

"[T]he first thing that the election workers do . . . is they, um, move out the observers. . . . [T]hey make sure there's no one around, they make sure the doors are locked so nobody else can come in, and then at a certain point they look around again, and they go under a table covered by a black, like a black blanket, and they start pulling out ballots. Now we begin with, why are ballots under a table? And then they start distributing those ballots for counting to three or four different areas where there are counting machines. And you can see it's done very hurriedly; it's done in a way suggesting that they are nervous about what they're doing, and by the way, even if these ballots were legitimate ballots, which I doubt they are, this would be entirely illegal. And every one of those ballots would be declared null and void because each one of these ballots is being counted in violation of the law of Georgia that in fact there must be the public present when ballots are being counted . . . . [I]t looks an awful lot like a bank heist, doesn't it?"

**SOURCE:** OAN, 1/18/2021 - Rudy Giuliani, Rep. Marjorie Taylor Greene, Brandon Tatum, Anna Paulina Luna & Peter Roff, Spotify (Jan. 19, 2021), <https://perma.cc/HZ6F-WQ5Z>.

"I get banned from any of the big tech things when I say that not only was there voter fraud, I have evidence of it, I've seen it, I have a motion picture of it. I can show you the voter fraud in living color. It was done in Fulton County, Georgia, it was well over 30,000 ballots were stolen. They were attributed to Biden instead of Trump. Had they been caught and held to account for it, Trump would have won Georgia."

**SOURCE:** OAN, *The Real Story - OAN Uncovering the Crime of the Century with Rudy Giuliani*, Rumble (June 14, 2021), <https://perma.cc/6KZB-EBT3>.

"They deliberately threw people out and counted the ballots in private, and there's videotape of it. That wasn't enough. I don't know what you've got to do to prove it. They committed the crimes on video. You can see them do it. They lied about it. Then you can see these same people handing off flash drives to each other."

"I mean, the explanation for that videotape is absurd because you can see them—you can see them throw the people out. And the law specifically says you can't count in private, so they

threw the people out. They used this phony excuse that there was going to be some kind of a water main break. It was not. There was no water main break, and then after the people were out—and you can just watch the way they're doing it. I mean, I've watched bank robberies. I mean, this, this looked like a bank robbery. They were doing it surreptitiously. And, uh, handing 'em off, and doing it quickly, and occasionally you can see them multiple count a vote. Now you take the two women who ran that, there are other tapes of them earlier in the day, handing off—handing off small, hard drives and flash drives, those flash drives were used to put in the machines—the machines that supposedly weren't, uh, accessible by internet, all of which were accessible by internet. So these women have gotten away scot-free.”

“No one's even questioned them. I mean, you have to look at that videotape and say, as least there should be an investigation, and they should be put under oath as to what they were doing. . . . Republicans, Democrats, reporters, and everyone else. You see them unceremoniously ushered out. And then you see the woman check out the whole place to make sure there's nobody there and that's when they get the ballots from under the table, and that's when they start counting the ballots under the table.”

**SOURCE:** *The Real Story – Exposing Disinformation with Rudy Giuliani*, Rumble (July 23, 2021), <https://perma.cc/EC3V-TGDH>.

“How about the videotape that I have where they're shoving the thing into the machine three and four times so they can be recounted by the same two women that earlier in the day were passing around hard drives or flash drives that supposedly can't be used in Dominion machines, but can.”

**SOURCE:** OAN, *The Real Story - OAN Pennsylvania Shenanigans with Rudy Giuliani*, Rumble (Dec. 11, 2021), <https://perma.cc/NJE9-BYGY>.

“The situation in Georgia, uh, that videotape is about as clear evidence of stealing votes as I've ever seen. And it was mischaracterized by the Secretary of State, the crooked Governor Kemp, uh, the Democrats—I mean, they're all in league together. . . . In any event, you've got a tape in, in, in Georgia that's crystal clear, it looks like a, it looks like a bank robbery, my goodness. And, uh this [Pennsylvania tape] is very, very clear. There are about ten others. There's no doubt that people stole votes in that election for Biden, and the numbers are—I would say—way beyond what was necessary to switch the vote in about four states. But they certainly are extremely significant and can't be ignored. When people cheat in elections on some kind of substantial scale, how do you know in advance without investigating whether it affects the election or not? Right?” Am. Compl. ¶ 96.

**SOURCE:** Rudy Giuliani's Common Sense, *Listen to What John Solomon Found Out About the Presidential Election!* | Rudy Giuliani | Ep. 204, Rumble (Jan. 12, 2022), <https://perma.cc/9HRD-2SGN>.

"So you remember, remember the, the very famous video of the whole day of the, there was a, uh, the arena had a, had a, had a security camera that was unknown to the participants. So several days, if not weeks, after the election the, the, uh, company came forward with tapes of this very suspicious activity where the people were thrown out of the arena, the observers. All the doors were locked—."

**SOURCE:** Team Trump (@TeamTrump), Twitter (Dec. 23, 2020, 10:02 AM), <https://twitter.com/TeamTrump/status/1341760977470062597>.

While the State Farm Arena Video is displayed on screen, a voiceover states: "Ballots miraculously appeared, Biden Ballots added in the middle of the night."

**SOURCE:** Team Trump (@TeamTrump), Twitter (Dec. 23, 2020, 2:18 PM), <https://twitter.com/TeamTrump/status/1341825401371430913>

While the State Farm Arena Video is displayed, a voiceover states: "Election observers in Georgia thought they were done counting for the night. But when they went home, security footage shows poll workers pulling out trunks containing ballots from overwhelmingly Democrat precincts. The media won't admit it, but it's on video."

**SOURCE:** *Transcript: President Trump's Phone Call With Georgia Election Officials*, N.Y. Times (Jan. 3, 2021), <https://perma.cc/G7JW-AKQ8>.

"We had at least 18,000 that's on tape – we had them counted very painstakingly – 18,000 voters having to do with Ruby Freeman. She's a vote scammer, a professional vote scammer and hustler, Ruby Freeman."

"[T]hey said very clearly and it's been reported that they said there was a major water main break. Everybody fled the area. And then they came back – Ruby Freeman, her daughter, and a few people. There were no Republican poll watchers."

"Late in the morning, they went – early in the morning, they went to the table with the black robe – the black shield and they pulled out the votes. Those votes were put there a number of hours before. The table was put there – I think it was – Brad, you would know. It was probably eight hours or seven hours before, and then it was stuffed with votes. They weren't in an official voter box. They were in what looked to be suitcases or trunks – suitcases, but they weren't in voter boxes."

"But it had slow motion and it was magnified many times over, and the minimum it was was 18,000 ballots, all for Biden."

"[W]e're so far ahead of these numbers, even the phony ballots of Ruby Freeman – known scammer."

"That was – the minimum number is 18,000 for Ruby, but they think it's probably about 56,000. But the minimum number is 18,000 on the Ruby Freeman night where she ran back in there when everybody was gone and stuffed – she stuffed the ballot boxes. Let's face it, Brad. I mean, they did it in slow-motion replay magnified, right? She stuffed the ballot boxes. They were stuffed like nobody's ever seen them stuffed before."

"She stuffed the ballot – each ballot went three times. They were showing here's ballot number one, here it is a second, third time, next ballot."

"We have a new tape that we're going to release. It's devastating. And by the way, that one event, that one event is much more than the 11,000 votes that we're talking about. It's, you know, that one event was a disaster. And it's just, you know, but it was, it was something, it can't be disputed. And again, we have a version that you haven't seen, but it's magnified. It's magnified, and you can see everything. For some reason, they put it in three times, each ballot, and I don't know why. I don't know why three times. Why not five times, right?"

"[W]hy did they put the votes in three times? You know, they put them in three times."

"And the minimum – there were 18,000 ballots but they used them three times. So that's, you know, a lot of votes. And that one event – and they were all to Biden, by the way; that's the other thing we didn't say. You know, Ruby Freeman, one thing I forgot to say which was the most important. Do you know that every single ballot she did went to Biden? You know that, right? Do you know that, by the way, Brad? Every single ballot that she did through the machines at early – early in the morning went to Biden. Did you know that, Ryan?"

"No, they were 100 percent for Biden. One hundred percent. There wasn't a Trump vote in the whole group."

"We're way over that number, and just if you took just Ruby Freeman we're over that number by five or six times when you multiply it out times three, and every single ballot went to Biden."

**SOURCE:** Brian Naylor, Read Trump's Jan. 6 Speech, a Key Part of Impeachment Trial, NPR (Feb. 10, 2021), <https://perma.cc/ECA7-UE86>.

"Then election officials pull boxes, Democrats, and suitcases of ballots out from under a table. You all saw it on television, totally fraudulent. And illegally scanned them for nearly two hours, totally unsupervised. Tens of thousands of votes. This act coincided with a mysterious vote dump of up to 100,000 votes for Joe Biden, almost none for Trump. Oh, that sounds fair. That was at 1:34 AM."

4. This Court retains jurisdiction to enforce this Final Consent Judgment and Permanent Injunction.

SO ORDERED.

Dated: May \_\_, 2024  
Washington, DC

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Hon. Beryl A. Howell  
United States District Judge

# **Exhibit 2**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

RUBY FREEMAN and WANDREA' MOSS,  
Plaintiffs,  
v.  
RUDOLPH W. GIULIANI,  
Defendant.

Case No. 23-cv-03754 (BAH)

**[PROPOSED] FINAL CONSENT  
JUDGMENT AND PERMANENT  
INJUNCTION**

**WHEREAS**, Rudolph W. Giuliani (the “Defendant”) is the Defendant in the above-captioned action;

**WHEREAS**, the Defendant is also a debtor in a chapter 11 case captioned *In re Rudolph W. Giuliani*, No. 23-012055-SHL (the “Giuliani Bankruptcy”) currently pending in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”);

**WHEREAS**, Plaintiffs Ruby Freeman and Wandrea’ ArShaye Moss (collectively, the “Plaintiffs” and, together with the Defendant, the “Parties”) were Plaintiffs in *Freeman v. Giuliani*, No. 21-cv-3354 (D.D.C.) (together with any appeals from that case, the “Freeman Litigation”), and hold a final money judgment in the amount of \$146,206,113.00, plus post-judgment interest, entered in the Freeman Litigation (the “Freeman Judgment”), ECF No. 142, *Freeman v. Giuliani*, No. 21-cv-3354 (D.D.C. Dec. 18, 2023);

**WHEREAS**, Plaintiffs are also creditors in the Giuliani Bankruptcy;

**WHEREAS** on December 18, 2023, Plaintiffs commenced this civil action by filing a Complaint seeking injunctive relief restraining Defendant from repeating the Actionable Statements adjudged to be false and defamatory in the Freeman Litigation, or any substantially similar statements (ECF No. 1) (the “Complaint”);

**WHEREAS** on December 21, 2023, the Defendant commenced the Giuliani Bankruptcy by filing a voluntary chapter 11 petition, which triggered an automatic stay (the “Bankruptcy Stay”) applicable to this action under 11 U.S.C. § 362(a);

**WHEREAS**, the Parties have entered into a Joint Stipulation and Consent to Entry of Final Judgment consenting to entry of this Final Consent Judgment and Permanent Injunction;

**WHEREAS** the Bankruptcy Court has now lifted the Bankruptcy Stay for purposes of entry of this Final Consent Judgment and Permanent Injunction and for purposes of any proceedings to enforce this Final Consent Judgment and Permanent Injunction;

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:**

1. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332 and venue is proper in this District under 28 U.S.C. § 1391(b)(2).
2. Final judgment is entered in favor of Plaintiffs and against Defendant.
3. Mr. Giuliani is **PERMANENTLY ENJOINED** from publishing, causing others to publish, and/or assisting in others’ publication of (a) any statements that suggest that Plaintiffs, whether mentioned directly, indirectly, or by implication, engaged in wrongdoing in connection with the 2020 presidential election, or (b) any of the Actionable Statements adjudged false and defamatory in the Freeman Litigation, or any other statements conveying the same defamatory meaning. For purposes of this Final Consent Judgment and Permanent Injunction, those “Actionable Statements” shall be defined to mean the following statements, taken from pages 14–19 of the Joint Pretrial Statement filed at ECF No. 105 in the Freeman Litigation:

**SOURCE:** Giuliani Presidential Legal Defense Team, Strategic Communications Plan (Dec. 27, 2020), <https://perma.cc/VP2S-CJMR> (on or after December 23, 2020)

“Fulton County, GA, video of suitcases of fraudulent ballots.”

“Election Official Ruby Freeman is seen surreptitiously & illegally handing off hard-drives ON CAMERA in the Georgia counting facility.”

“Video of Ruby and Shay [sic] at midnight . . . That is the time of the 200,000 vote bump . . . No Watermain Break – a lie to get the Republican observers and media to leave at 10:30pm.”

“‘Suitcase Gate’ - Video of ‘ballot stuffing’ when ‘suitcases’ (container type) filled with ballots (approximately 6,000 in each container) were rolled out from under table at GA arena and placed in tabulation machines (one batch repeatedly tabulated at least 3 times) by [X number] of poll workers who remained AFTER all Poll Watchers (GOP and the like), press and all third parties were required to leave the premises per announcement at or about [AM] until [AM] in violation of election laws enacted by GA state legislature.”

“Ruby Freeman (woman in purple shirt on video), now under arrest and providing evidence against GA SOS Stacey Abrams and DNC on advanced coordinated effort to commit voter / election fraud [*need confirmation of arrest and evidence*].”

**SOURCE:** *Rudy Giuliani, Christmas Is Not Canceled, It's Vital This Year* | Rudy Giuliani | Ep. 96, RudyGiulianics.com (Dec. 23, 2020), <https://perma.cc/FY6G-EEJD>.

“There’s a video recording in Fulton County, Georgia, of what is obviously, without any doubt, the theft of votes. You have to be a naive child or a completely dishonest partisan not to realize that the observers are being thrown out of the room. A phony excuse of a water main break was used. They still were thrown out of the room, didn’t want to leave. Once they were all left and a last check was done around the hall, the workers for Atlanta—for Fulton County—the five or six, one of whom has a history of voter fraud participation, Ruby Freeman, uh, they scurry under these desks. Hardly where you would keep ballots, right? And they start taking ballots out and then put them on a wheelbarrow sort of thing and wheel them around. And you can see the ballots don’t really look like, like absentee ballots that are in envelopes; they look more like pristine pieces of paper. And then they’re given out and very quickly are being counted, counted, counted, counted, there are times in which it appears that they were being counted more than one time—three, four, five, six, seven times, eight times. . . . [I]t’s quite clear no matter who they’re doing it for, they’re cheating. It looks like a bank heist.”

"Live from Fulton County, let's watch the Democrats steal the election! And there you see it. Ruby Freeman and her crew getting everybody out of the center, creating a false story that there was a—that there was a water main break. No water main break. They get everybody out. They wait, they wait, they wait. They check, they check, they check, like they're gonna do a heist, and all of a sudden the crooks sprang into action. They go under a desk covered like a casket, and they start pulling ballots out. Tremendous numbers of ballots. And they bring them over to one counting stand, all the way over here, another counting stand, another—and they keep looking around to make sure there's nobody in the room! . . . Every once in a while, you look closely, you can them doing this—one ballot [gestures scanning a ballot multiple times]. You know what that does? That takes Biden and multiplies it by 5."

"[J]ust look at the tape. That accounts for anywhere from 40 to 80,000 votes. The number then when we look at it on, was like 138,000 for Biden and 2,000 for Trump. Take those out of their numbers—Trump won Georgia honestly. We want honest votes here."

**SOURCE:** OAN, *EXCLUSIVE: OAN's Chanel Rion talks election fight with Rudy Giuliani*, OAN (Dec. 30, 2020), <https://rumble.com/vcahxx-exclusive-oans-chanel-rion-talks-election-fight-with-rudy-giuliani.html>.

"There are five or six states that can make the difference here and that have the evidence already have the evidence that shows that the Biden people stole the election, and not only that, they have the evidence that shows that Trump actually had more votes. Georgia is maybe the easiest to demonstrate because it's on video. During that videotape, that we can all see right in front of our eyes, we can see them stealing the votes. We can see them throwing out the people. We can see them counting it four and five times. We also have the statistics during that period of time, 120,000 votes for Biden, couple hundred votes for Trump, no observers, makes it totally illegal. That alone changes the election. That alone means that if you get rid of those illegal votes, Trump wins Georgia by 40 or 50 thousand votes. . . . Georgia has the one video tape, I consider it like the Zapruder film was to the Kennedy assassination, this film will live for a hundred years. For a hundred years, this film will show that the, the 2020 presidential election, there was an attempt to steal it."

"I've heard Democratic senators get on television and say it's espionage to say that it was fraud. You're not gonna tell me that. I see, I can see the fraud, it's in front of my eyes. What am I supposed to do, close my eyes and make believe that in Fulton County, Georgia, when they closed the doors, and they got rid of the public, and they started triple counting ballots and it ends up being 120,000 for, for Biden and 3,000 for Trump? They weren't cheating? Am I stupid?"

**SOURCE:** Rudy W. Giuliani, *I Can't Say This on National Television* | Rudy Giuliani | Ep. 98, YouTube (Dec. 30, 2020),  
<https://web.archive.org/web/20210223225629/https://www.youtube.com/watch?v=7vRckA6PqGA>.

“[T]he Fulton County vote counting [videotape], which in and of itself proves that Georgia was stolen by, uh, Joe Biden and by the Democrats. That one video proves it.”

“[T]he first thing that the election workers do . . . is they, um, move out the observers. . . . [T]hey make sure there's no one around, they make sure the doors are locked so nobody else can come in, and then at a certain point they look around again, and they go under a table covered by a black, like a black blanket, and they start pulling out ballots. Now we begin with, why are ballots under a table? And then they start distributing those ballots for counting to three or four different areas where there are counting machines. And you can see it's done very hurriedly; it's done in a way suggesting that they are nervous about what they're doing, and by the way, even if these ballots were legitimate ballots, which I doubt they are, this would be entirely illegal. And every one of those ballots would be declared null and void because each one of these ballots is being counted in violation of the law of Georgia that in fact there must be the public present when ballots are being counted . . . [I]t looks an awful lot like a bank heist, doesn't it?”

**SOURCE:** OAN, 1/18/2021 - Rudy Giuliani, Rep. Marjorie Taylor Greene, Brandon Tatum, Anna Paulina Luna & Peter Roff, Spotify (Jan. 19, 2021), <https://perma.cc/HZ6F-WQ5Z>.

“I get banned from any of the big tech things when I say that not only was there voter fraud, I have evidence of it, I've seen it, I have a motion picture of it. I can show you the voter fraud in living color. It was done in Fulton County, Georgia, it was well over 30,000 ballots were stolen. They were attributed to Biden instead of Trump. Had they been caught and held to account for it, Trump would have won Georgia.”

**SOURCE:** OAN, *The Real Story - OAN Uncovering the Crime of the Century with Rudy Giuliani*, Rumble (June 14, 2021), <https://perma.cc/6KZB-EBT3>.

“They deliberately threw people out and counted the ballots in private, and there's videotape of it. That wasn't enough. I don't know what you've got to do to prove it. They committed the crimes on video. You can see them do it. They lied about it. Then you can see these same people handing off flash drives to each other.”

"I mean, the explanation for that videotape is absurd because you can see them—you can see them throw the people out. And the law specifically says you can't count in private, so they threw the people out. They used this phony excuse that there was going to be some kind of a water main break. It was not. There was no water main break, and then after the people were out—and you can just watch the way they're doing it. I mean, I've watched bank robberies. I mean, this, this looked like a bank robbery. They were doing it surreptitiously. And, uh, handing 'em off, and doing it quickly, and occasionally you can see them multiple count a vote. Now you take the two women who ran that, there are other tapes of them earlier in the day, handing off—handing off small, hard drives and flash drives, those flash drives were used to put in the machines—the machines that supposedly weren't, uh, accessible by internet, all of which were accessible by internet. So these women have gotten away scot-free."

"No one's even questioned them. I mean, you have to look at that videotape and say, as least there should be an investigation, and they should be put under oath as to what they were doing. . . . Republicans, Democrats, reporters, and everyone else. You see them unceremoniously ushered out. And then you see the woman check out the whole place to make sure there's nobody there and that's when they get the ballots from under the table, and that's when they start counting the ballots under the table."

**SOURCE:** *The Real Story – Exposing Disinformation with Rudy Giuliani*, Rumble (July 23, 2021), <https://perma.cc/EC3V-TGDH>.

"How about the videotape that I have where they're shoving the thing into the machine three and four times so they can be recounted by the same two women that earlier in the day were passing around hard drives or flash drives that supposedly can't be used in Dominion machines, but can."

**SOURCE:** OAN, *The Real Story - OAN Pennsylvania Shenanigans with Rudy Giuliani*, Rumble (Dec. 11, 2021), <https://perma.cc/NJE9-BYGY>.

"The situation in Georgia, uh, that videotape is about as clear evidence of stealing votes as I've ever seen. And it was mischaracterized by the Secretary of State, the crooked Governor Kemp, uh, the Democrats—I mean, they're all in league together. . . . In any event, you've got a tape in, in, in Georgia that's crystal clear, it looks like a, it looks like a bank robbery, my goodness." Am. Compl. ¶ 96.

**SOURCE:** Rudy Giuliani's Common Sense, *Listen to What John Solomon Found Out About the Presidential Election! | Rudy Giuliani | Ep. 204*, Rumble (Jan. 12, 2022), <https://perma.cc/9HRD-2SGN>.

“So you remember, remember the, the very famous video of the whole day of the, there was a, uh, the arena had a, had a, had a security camera that was unknown to the participants. So several days, if not weeks, after the election the, the, uh, company came forward with tapes of this very suspicious activity where the people were thrown out of the arena, the observers. All the doors were locked—.”

**SOURCE:** Team Trump (@TeamTrump), Twitter (Dec. 23, 2020, 10:02 AM),  
<https://twitter.com/TeamTrump/status/1341760977470062597>.

While the State Farm Arena Video is displayed on screen, a voiceover states: “Ballots miraculously appeared, Biden Ballots added in the middle of the night.”

**SOURCE:** Team Trump (@TeamTrump), Twitter (Dec. 23, 2020, 2:18 PM),  
<https://twitter.com/TeamTrump/status/1341825401371430913>

While the State Farm Arena Video is displayed, a voiceover states: “Election observers in Georgia thought they were done counting for the night. But when they went home, security footage shows poll workers pulling out trunks containing ballots from overwhelmingly Democrat precincts. The media won’t admit it, but it’s on video.”

**SOURCE:** *Transcript: President Trump’s Phone Call With Georgia Election Officials*, N.Y. Times (Jan. 3, 2021), <https://perma.cc/G7JW-AKQ8>.

“We had at least 18,000 that’s on tape – we had them counted very painstakingly – 18,000 voters having to do with Ruby Freeman. She’s a vote scammer, a professional vote scammer and hustler, Ruby Freeman.”

“[T]hey said very clearly and it’s been reported that they said there was a major water main break. Everybody fled the area. And then they came back – Ruby Freeman, her daughter, and a few people. There were no Republican poll watchers.”

“Late in the morning, they went – early in the morning, they went to the table with the black robe – the black shield and they pulled out the votes. Those votes were put there a number of hours before. The table was put there – I think it was – Brad, you would know. It was probably eight hours or seven hours before, and then it was stuffed with votes. They weren’t in an official voter box. They were in what looked to be suitcases or trunks – suitcases, but they weren’t in voter boxes.”

"But it had slow motion and it was magnified many times over, and the minimum it was was 18,000 ballots, all for Biden."

"[W]e're so far ahead of these numbers, even the phony ballots of Ruby Freeman – known scammer."

"That was – the minimum number is 18,000 for Ruby, but they think it's probably about 56,000. But the minimum number is 18,000 on the Ruby Freeman night where she ran back in there when everybody was gone and stuffed – she stuffed the ballot boxes. Let's face it, Brad. I mean, they did it in slow-motion replay magnified, right? She stuffed the ballot boxes. They were stuffed like nobody's ever seen them stuffed before."

"She stuffed the ballot – each ballot went three times. They were showing here's ballot number one, here it is a second, third time, next ballot."

"We have a new tape that we're going to release. It's devastating. And by the way, that one event, that one event is much more than the 11,000 votes that we're talking about. It's, you know, that one event was a disaster. And it's just, you know, but it was, it was something, it can't be disputed. And again, we have a version that you haven't seen, but it's magnified. It's magnified, and you can see everything. For some reason, they put it in three times, each ballot, and I don't know why. I don't know why three times. Why not five times, right?"

"[W]hy did they put the votes in three times? You know, they put them in three times."

"And the minimum – there were 18,000 ballots but they used them three times. So that's, you know, a lot of votes. And that one event – and they were all to Biden, by the way; that's the other thing we didn't say. You know, Ruby Freeman, one thing I forgot to say which was the most important. Do you know that every single ballot she did went to Biden? You know that, right? Do you know that, by the way, Brad? Every single ballot that she did through the machines at early – early in the morning went to Biden. Did you know that, Ryan?"

"No, they were 100 percent for Biden. One hundred percent. There wasn't a Trump vote in the whole group."

"We're way over that number, and just if you took just Ruby Freeman we're over that number by five or six times when you multiply it out times three, and every single ballot went to Biden."

**SOURCE:** Brian Naylor, Read Trump's Jan. 6 Speech, a Key Part of Impeachment Trial, NPR (Feb. 10, 2021), <https://perma.cc/ECA7-UE86>.

"Then election officials pull boxes, Democrats, and suitcases of ballots out from under a table. You all saw it on television, totally fraudulent. And illegally scanned them for nearly two hours, totally unsupervised. Tens of thousands of votes. This act coincided with a mysterious vote dump of up to 100,000 votes for Joe Biden, almost none for Trump. Oh, that sounds fair. That was at 1:34 AM."

4. This Court retains jurisdiction to enforce this Final Consent Judgment and Permanent Injunction.

SO ORDERED.

Dated: May \_\_, 2024  
Washington, DC

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Hon. Beryl A. Howell  
United States District Judge